

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

WILLIAM KARL SCHMIDT and
SHANNON COLLEEN SCHMIDT

Debtors.

CHAPTER 13

CASE NO. 15-12968-elf

**MOTION TO REOPEN CASE AND FOR EXTENSION OF
TIME TO FILE FORM REQUIRED FOR DISCHARGE**

William Karl Schmidt and Shannon Colleen Schmidt (the “Debtors”) hereby file this Motion to Reopen Case and for Extension of Time to File Form Required for Discharge (the “Motion”) pursuant to 11 U.S.C. § 350(b) and Federal Rule of Bankruptcy Procedure 5010. In support of the Motion, the Debtors respectfully state as follows:

1. The Debtors commenced this case on April 29, 2015 (“the “Petition Date”), by filing a voluntary petition for relief under chapter 13 of the Bankruptcy Code.
2. On April 6, 2016, the Court confirmed the Debtors’ amended Chapter 13 plan.
3. The Debtors made all required payments pursuant to the terms of the confirmed plan.
4. On July 27, 2020, the Court entered an order closing this case because the Debtors failed to timely file their Certifications Regarding Domestic Support Obligations and Section 522(q) (the “Certifications”).
5. On July 17, 2020, the Debtors filed their Debtor Education Financial Management Course Certificates. See Dckt. #90 and #91.

6. The Debtors signed the Certifications on July 22, 2020, but they were not received by undersigned counsel until July 27, 2020, the same day the Court closed this case. A copy of the Certifications is attached hereto and marked Exhibit “A”.

7. Under 11 U.S.C § 350(b), “a case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause.”

8. The bankruptcy court has broad discretion in determining whether to reopen a case under §350(b). *See Faden v. Insurance Co. of N. Am. (In re Faden)*, 96 F.3d 792, 796 (5th Cir.1996); *In re Bianucci*, 4 F.3d 526, 528 (7th Cir.1993).

9. Discharge of one’s debts is one of the fundamental purposes for filing a bankruptcy petition.

10. Taking equitable considerations into account, the Debtors request that the Court reopen this case to allow the Debtors to file their Certifications in order to receive a discharge of their debts.

WHEREFORE, the Debtors respectfully request that this Court enter an Order (a) reopening the case pursuant to 11 U.S.C. § 350(b) and FRBP 5010; and (2) extending the time period to file the Certifications for a period of 30 days from the date of entry of an order granting this Motion.

Dated: September 29, 2020

/s/ Alex Moretsky, Esquire
Alex Moretsky, Esquire
2617 Huntingdon Pike
Huntingdon Valley, PA 19006
(215) 344-8343 (p)
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Attorney for Debtors

B2830 (Form 2830) (04/19)

UNITED STATES BANKRUPTCY COURT

Eastern District of Pennsylvania

In re William Karl Schmidt and Shannon Colleen Schmidt Case No. 15-12968
Debtors

CHAPTER 13 DEBTOR'S CERTIFICATIONS REGARDING
DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)

Part I. Certification Regarding Domestic Support Obligations (check no more than one)

Pursuant to 11 U.S.C. Section 1328(a), I certify that:

☒ I owed no domestic support obligation when I filed my bankruptcy petition, and I have not been required to pay any such obligation since then.

☐ I am or have been required to pay a domestic support obligation. I have paid all such amounts that my chapter 13 plan required me to pay. I have also paid all such amounts that became due between the filing of my bankruptcy petition and today.

Part II. If you checked the second box, you must provide the information below.

My current address: _____

My current employer and my employer's address: _____

Part III. Certification Regarding Section 522(q) (check no more than one)

Pursuant to 11 U.S.C. Section 1328(h), I certify that:

☒ I have not claimed an exemption pursuant to § 522(b)(3) and state or local law (1) in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$170,350* in value in the aggregate.

☐ I have claimed an exemption in property pursuant to § 522(b)(3) and state or local law (1) that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$170,350* in value in the aggregate.

* Amounts are subject to adjustment on 4/01/22, and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

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Part IV. Debtor's Signature

I certify under penalty of perjury that the information provided in these certifications is true and correct to the best of my knowledge and belief.

Executed on 7/22/2020
Date

Sharon Schmidt
Debtor

B2830 (Form 2830) (04/19)

UNITED STATES BANKRUPTCY COURT

Eastern District Of Pennsylvania

In re William Karl Schmidt and Shannon Colleen Schmidt Case No. 15-12968
Debtors

CHAPTER 13 DEBTOR'S CERTIFICATIONS REGARDING
DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)

Part I. Certification Regarding Domestic Support Obligations (check no more than one)

Pursuant to 11 U.S.C. Section 1328(a), I certify that:

☒ I owed no domestic support obligation when I filed my bankruptcy petition, and I have not been required to pay any such obligation since then.

☐ I am or have been required to pay a domestic support obligation. I have paid all such amounts that my chapter 13 plan required me to pay. I have also paid all such amounts that became due between the filing of my bankruptcy petition and today.

Part II. If you checked the second box, you must provide the information below.

My current address: _____

My current employer and my employer's address: _____

Part III. Certification Regarding Section 522(q) (check no more than one)

Pursuant to 11 U.S.C. Section 1328(h), I certify that:

☒ I have not claimed an exemption pursuant to § 522(b)(3) and state or local law (1) in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$170,350* in value in the aggregate.

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* Amounts are subject to adjustment on 4/01/22, and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

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Part IV. Debtor's Signature

I certify under penalty of perjury that the information provided in these certifications is true and correct to the best of my knowledge and belief.

Executed on 7-23-2020
Date

William K. Schmitt
Debtor

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

WILLIAM KARL SCHMIDT and
SHANNON COLLEEN SCHMIDT

Debtors.

CHAPTER 13

CASE NO. 15-12968-elf

ORDER

AND NOW, this ____ day of _____, 2020, upon consideration of the Motion to Reopen Case and for Extension of Time to File Form Required for Discharge (the “Motion”) pursuant to 11 U.S.C. § 350(b) and Federal Rule of Bankruptcy Procedure 5010, and sufficient cause appearing therefor, it is

ORDERED AND DECREED that

1. The Motion is GRANTED;
2. Case No. 15-12968 is, hereby, reopened; and
3. This case shall remain open for a period of 30 days from the date of entry of this Order to allow Debtors to file the required forms to obtain discharge.

Eric L. Frank
Judge, E.D. Pa. Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

WILLIAM KARL SCHMIDT and
SHANNON COLLEEN SCHMIDT

Debtors.

CHAPTER 13

CASE NO. 15-12968-elf

CERTIFICATION OF SERVICE

IT IS HEREBY CERTIFIED, that on this date, a true and correct copy of the Debtor's Motion to Reopen Case and for Extension of Time to File Form Required for Discharge (the "Motion") pursuant to 11 U.S.C. § 350(b) and Federal Rule of Bankruptcy Procedure 5010 has been served upon the creditors and all interested parties by electronic filing and/or first class mail, postage pre-paid.

Date: September 29, 2020

/s/ Alex Moretsky